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SEC

SERVICE DATE - DECEMBER 17, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-441 (Sub-No. 3X)

SWKR OPERATING CO.—ABANDONMENT EXEMPTION—IN COCHISE COUNTY, AZ

Decided: December 16, 2003

By decision served November 4, 2003 (November 4 decision), the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903 the abandonment by SWKR Operating Co. (SWKR) of a 19.9-mile portion of the Douglas Branch extending from milepost 7.0 (formerly milepost 1040.15), near Curtis, to the end of the line at milepost 26.9 (formerly milepost 1055.8), near Charleston, in Cochise County, AZ, subject to historic preservation and standard employee protective conditions. The exemption was scheduled to become effective on December 4, 2003.

On November 5, 2003, SWKR filed a letter requesting the Board to vacate the November 4 decision and dismiss the petition for exemption because SWKR no longer owns the line. SWKR states that on October 31, 2003, it consummated the sale of all of its railroad assets to San Pedro Railroad Operating Company, LLC (SPROC) pursuant to a notice of exemption in San Pedro Railroad Operating Company, LLC—Acquisition and Operation Exemption—SWKR Operating Co., Inc., STB Finance Docket No. 34430 (STB served Nov. 21, 2003).¹ Accordingly, the request to vacate the November 4 decision and dismiss the petition for exemption will be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. SWKR's request to vacate the November 4 decision and dismiss the petition for exemption is granted.

¹ In SWKR Operating Co., Inc.—Abandonment Exemption—In Cochise County, AZ, Docket No. AB-441 (Sub-No. 1X) (ICC served Oct. 12, 1995), and SWKR Operating Co., Inc.—Abandonment Exemption—In Cochise County, AZ, STB Docket No. AB-441 (Sub-No. 2X) (STB served Feb. 14, 1997), SWKR obtained exemptions to abandon two line segments that comprise a portion of the interests acquired by SPROC. SWKR has not, however, consummated abandonment of these segments, which remain subject to trail use agreements.

2. This proceeding is discontinued.
3. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary